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Social values, criminal risks, and security

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Abstract. Compliance with the provisions of legal norms and prosocial conduct are directly related to the value system protected by these norms. The voluntary conformity of an individual to normative precepts is largely ensured by the consonance between the social values system to which significant majorities adhere in a society. The criminal risk increases as the values of the social group of belonging become more and more distant from the social values protected by normative acts. Such situations can be normal consequences of social change. The challenge posed by dissonances between formal and informal value systems has always been difficult for decision and policy makers to manage.

Keywords. social values, social norms, social control, legal norms, societal risks, security, crime

1. Values first, not norms...

The purpose of this article is to draw attention to a phenomenon (and the related concept) somehow founding for both sociology and law: the social norms. If in common language we use the concept mentioned primarily in the sense of *legal norm*, in social sciences we think primarily of *social norms*, and of these, perhaps more of informal ones than the formal ones.

The history of the social sciences begins from understanding social norms and their relationship to legal norms, perhaps more than from the idea of explaining social phenomena. The nineteenth century, associated with the unprecedented development of the social sciences and their entry into a paradigm understandable to today's researcher, represented a masterful school for them. It is the century of revolutions, of the maturation of centralized states, of national identities, of great armies, of colonial wars, the first stage of globalization, the expansion of citizenship and the defining of political spectrums as we know them today. The major theme was the tension between order and social change. Somehow, that time has, over a long period, a series of social and political challenges and transformations similar to those of today. In many ways, the need to reconcile social and legal norms was as great then as it is today. Sometimes, legislation lags behind the evolution of society and social relations. Other times, in an effort to promote a particular socio-political project, the legislature takes precedence over the mores of the age and attempts a social engineering project by imposing modernization. Today, we are going through normative changes and also changes in behavioral patterns, but also through attempts by national and European authorities to impose new models of reporting on social relations, diversity, environment, technology, etc.

Although the public debate surrounding intervention when seeking correction or promotion of a set of behaviors is centered on norms, a sociological approach, not just a legal one, would rather start from values. Of course, rules are, after all, the consequence of values.

2. Social values in a normative context

Individual social behavior and the set of interpersonal relationships within society imply a permanent interaction of different norms (social, legal, religious, moral), which are true programming mechanisms of human behavior. Due to their constraining effect, norms can be a discomfort factor, and then they are respected by virtue of the sanction, which accompanies the norm, the sanction being either a factor of anticipatory psycho-social pressure (individuals respecting the norm, for fear of being sanctioned), which shapes a certain type of behavior, or a mechanism that is activated in case of non-compliance with the provision of the norm (situation in which the sanction also intervenes as a factor shaping the social conduct of the person who violated the norm, but also as a factor of exemplariness, for those who would be tempted to violate its provisions).

States tend to regulate more and more social relations through legal norms, these being the expression of state authority, as the main actor in issuing and supervising compliance with legal norms. At least in the classical view of the supremacy of statist normativity, the foundation of social order and social control is provided by all legal norms, which also configure (directly or indirectly) value systems. The concepts of legal-illegal, licit-illicit, prosocial conduct-antisocial conduct, are defined and understood considering the value systems of human conduct, constructed through legal norms.

"If we consider that law can only express the social needs of a collectivity constituted in political form, then law arises in determined social-historical conditions, characterized by differentiations specific to political society." [1]. Thus, the regulation of social conduct through legal norms passes through the political-state's filters of political decision making and of the legislator, filters that depend on the priorities of social policies, on the insistence of interest groups or pressure groups and, last but not least, on political interests. In this context, the priorities and values decanted in the social conduct agreed in society as a whole may or may not coincide with those imposed by legal norms, norms tributary to the main pressure factors listed above. If the two value systems that guide social conduct coincide or can harmonize, there are prerequisites for a high degree of compliance in compliance with legal norms. However, if there are differences (sometimes major), we can see either an insistence of the state to respect its normative authority (usually through harsher sanctions, increased pressure on factors implementing norms and sanctions, even through the creation of new institutions or the numerical expansion of human or technological resources involved in psycho-social mechanisms for fulfilling normative provisions), or an "adaptation" of the legal norm to the social norm that is "gaining ground", which in the context of political efficiency strategies seems to bring many advantages.

3. Criminal risk in the context of the specifics of social values

There is an assumption of an evolutionary causal association deviance - delinquency - crime. "The concept of deviance is closely related to that of social norm" [2], and "an offence is an act prescribed by criminal law, committed with guilt, unjustified and attributable to the person who committed it" [3], the two concepts signifying, respectively, a violation of a social norm (deviance) and a violation of a legal norm (crime). Given that there were premises that deviance and criminality belong to the same antisocial flow of human conduct, crime being the

most serious form of antisocial conduct, and deviance its incipient form, it would be necessary for social values protected by social norms to coincide with the values protected by the state's rule of law. The situation becomes delicate and difficult to quantify in terms of negative social effects, if certain social behaviors that are not (anymore) considered deviant are still regarded as crimes (some considered to be even with high social danger). In such situations, as mentioned, decision-makers have the choice either to maintain the legal norm in disharmony with the social norm, which tends to become dominant in the respective society, or to de-escalate the normative conflict, legalizing the social conduct considered deviant (or even criminal) until then, by virtue of the social assimilation, in an increasing percentage, of this social conduct. But in such a context, the question is: what are the social values and who still has the authority to form social conduct through norms? The state (through legal norms) or any other social influence factor more persuasive, more popular, with a much nicer "packaged" message?

In societies characterized by a varied structure of intersecting socio-cultural typologies, there is often a difficulty in managing different social behaviors, formed according to different socio-cultural models. In the spectrum of risks of classical social tensions, an important component is related to the management of the specifics of social conduct determined by peculiarities of cultural or religious values. "One of the main challenges facing policymakers in a globalizing era is how to balance the values and beliefs of different religious and cultural groups. In many cases, religious and cultural differences can lead to tensions and conflict, particularly in areas such as immigration, human rights, and gender equality. Policymakers must navigate these tensions carefully, balancing the rights and needs of different groups while also promoting social cohesion and inclusivity" [4] The intensification of the global migration phenomenon exacerbates socio-cultural and religious interactions, determining the need for a better knowledge of the specifics of each social group, as well as a good anticipatory assessment of the risks of antisocial behaviors or even the risk of larger social conflicts. In such a context, the vision of decision-makers is materialized both in guidelines of social policies and in the adoption of effective normative acts, which allow a good social control and a better management of social groups. The effectiveness of inclusive social policies also significantly reduces the risks of social tensions.

4. Dynamics of social values and political-normative decision. Security risks

"As emanations of the collective consciousness of society, social norms, as a whole, represent the main elements of rationalization and normalization of behaviors, contributing to the establishment and continuity of social life, to stimulating the participation of individuals in collective existence and to the predictability of human actions in accordance with dominant cultural schemes and models, positively valued in the respective society" [5]. In an ideal context for both the society and the state, the advantages of agreed social norms should also be reflected in legal norms governing the same social conducts and a common system of social values. If there are differences, however, each category of norms and values extends differently in society and individual conduct.

Sometimes, models of social conduct that tend to gain more and more adherence, tending to be dominant, can lead to political decisions and changes in normative acts, in an unpredictable way and dynamic. Canada has sparked great interest in studying social effects following the legalization of recreational cannabis in 2018 amid significant consumer social behavior. The legislative changes were adopted in the context of increased levels of cannabis consumption across Canada. Through legalization, it was considered possible to regulate much

stricter control of the production, distribution and possession of recreational cannabis. [6]. More specifically, since the mechanisms for preventing and combating drug trafficking and illicit consumption did not work efficiently, the second option was adopted (through social policies and legislation), that of legalization together with the establishment of more efficient mechanisms to control the phenomenon, left to take place, in the context of an increasingly extensive social consumption behavior. If such a "harmonization" of the political-legislative decision with a social conduct that had long been criminalized leads to political and even economic advantages (many of the illicit revenues circulating in the underground economy were assimilated by the state economy), what are the effects on social conduct (with all the risks of deviance, delinquency and crime arising from this) and on security and defense, especially in the medium and long term?

5. Security from a social values perspective

As we mentioned on another occasion [7], the international developments of the last 5-10 years have changed much of the perception of the international system that had been institutionalized in the media and the theory of international relations after the end of the Cold War. The change is so strong that there is a question of a new separation of *security* and *defense* concepts. The civilian population, from beneficiary of security, has become, again, eventual victims of war and potential participants in the defense process.

It is enough to think that civil-military relations, radically reconfigured, for example, in the European space after 2000, by eliminating compulsory army service and resizing the armed forces in most of these states, are now being reinterpreted and the question arises whether the pronounced separation between the military and civilian, quickly adopted as a social norm by the younger generations, was somehow hasty.

There was much discussion after September 11, 2001 about the concept of security culture [8], which was supposed to help maintain a certain vigilance of citizens in the face of asymmetric threats. The whole scaffolding was about the idea that we would accept a reasonable restriction of rights in order to gain more security. Like any type of culture, in a sociological sense, security culture involves norms, values and behavioral patterns. Whether we are talking about lesser or more extensive restriction of rights, or varying degrees of surveillance, at least in theory the goal is individual or collective security. Likewise, the measures taken by the states of the world during the pandemic: fair or not, democratic or not, they had as finality a certain vision of individual and collective security.

The paradigm shift after Russia's latest invasion of Ukraine brought to the fore again a normative change, rather a return of value and normative to a usual situation throughout the twentieth century: the obligation to participate in defense and the tacit understanding that, in the conditions of a classic and very destructive war, human security is compromised. And in no case is it measured in maintaining decent and usual living conditions in and near the conflict zone.

Norms, values, behavioral patterns related to defense had to be rethought and reinterpreted, in yet new context. We have, compared to the interwar period, or to the post-war period (up to 1990), other social frameworks: gender relations and roles are slightly changed, population mobility, communication, information capacity and even disinformation are radically changed, deprivation is no longer a constant of everyday life (poverty means something different in Europe in 2020, compared to Eastern Europe in 1985, for example), etc.

Of course, developed societies have easily become accustomed to more relaxed norms, demilitarization, reduced social rigors, even a dose of tolerance of phenomena that in the past

were considered deviant. Faced with the necessary change in model, by turning from security to defense, or at least with the need to take this into account, they also faced the increased risk of social unrest and anomie.

To understand this, it is enough to go back to the years 2020-2022 and study the covid 19 pandemic. Then we could see a whole field of solidarity behaviors, conformity, as long as the public was afraid, convinced that by respecting the restrictions the problem can be solved and, above all, that we are dealing with a short-term crisis. When the crisis dragged on and results were delayed, trust was lost and conspiracy theories took the place of messages of solidarity. Part of the public began to feel their values threatened not so much by the spread of the virus, but by the restrictions on rights through which states were trying to manage the pandemic. Social support for these measures/norms was then gradually lost.

In the short term, managing a crisis through rules works. In the long run, the source of the line between normality and deviance lies not in the formulation of rules, but in the values behind them.

6. Conclusions

The system of social values is built on the basis of the typology of norms considered priority in shaping social behavior. While maintaining for the most part the existence and importance of social, moral and religious norms, society prioritizes all legal norms in the formation, maintenance and correction of human conduct in society. Expression of the will of the state, adopted and carried out under state authority (and in case of voluntary non-compliance, even by coercion), legal norms generate and protect social values. The cause-effect (or primordial) relationship between the norm imposed by the state and the social conduct of the individual goes through a fluctuating path, in the context of historical and mentality change. From the position of a strong state structure, the legal norm imposes its priority status in forming social-standard behaviors, which shape the conduct of the individual and society. However, taking into account the fact that in the overwhelming majority of situations, the legal norm is respected by voluntary compliance (its fulfillment by external coercion, by sanction, being the exception), it is necessary for individuals to consider that the value system configured and protected by legal norms, deserves to be respected and adopted in social conduct. If the authority of the state is eroded, other value systems, decanted from interactions between factors of social influence, expand in magnitude and importance in society, the legal norm being increasingly ignored (in some situations, in deviant or delinquent movements, anarchy or violation of legal norms being the very purpose of some currents of influence of social conduct). In such a context, it is difficult for the individual to choose between the imperative of social conduct required by the legal norm and the quasi-generalized social custom, which also entails disadvantages or even social sanctions in case of non-compliance. It is also complicated at the level of the political-state decision to manage such a context, which involves choosing between increasing the pressure of the legal norm or adapting the normative acts to the new trends of social conduct guided by factors of influence other than the state ones. Attempts to manage tendencies towards deviant social behaviors (especially in addictive behaviors) have shown the advantages and disadvantages of both political strategies of intervention and regulation. In particular, the multidimensional implications (bio-psycho-social, but also political-economic) determined by the dynamics of changes in value systems and, implicitly, in social behavior, determine major societal changes, with much more complex and long-term implications than initially estimated. Also, the ratio between prosocial conduct and the phenomena of deviance, delinquency and

criminality changes significantly. The fundamentals in configuring social control are undergoing significant changes, which also leads to an increase in security risks.

Borderline situations (sudden social change, major economic crises, war, pandemic) put at risk not only the norms, but especially the values behind them. Legal norms can be formulated, social norms can remain in the collective mindset, but interacting norms evolve rapidly, adapt to crisis, and gradually even build moral content. History itself is the story of what a society chooses to celebrate and cannot exist without the "moralizing" of collective heritage and related narratives.

Systematic non-compliance is not simply a matter of law or public order. It may be symptomatic of a more serious crisis, a crisis of values behind the system of formal and informal rules. A sign that the narrative behind a particular social contract has lost its legitimacy for one or more segments of society.

References

- [1] Popa, N., 2008, *Teoria generală a dreptului, Ediția a 3-a*, Editura C.H.Beck, București, pag. 32.
- [2] Jderu, G., 2012, *Introducere în sociologia emoțiilor*, Editura Polirom, Iași, pag.127.
- [3] Codul penal, din 17 iulie 2009 ([LEGEA nr. 286/2009](#)), publicat în Monitorul Oficial nr. 510 din 24 iulie 2009, art.15.
- [4] Dan, A.-N., & Stănescu, N. , 2023, *Social Policy and Religion in a Globalizing Era. Technium Social Sciences Journal*, 42(1), pag.191. <https://doi.org/10.47577/tssj.v42i1.8734>
- [5] Craiovan, I., 2010, *Filosofia dreptului sau dreptul ca filosofie*, Editura Universul Juridic, București, pag. 35.
- [6] Obradovic, I., 2018, *La légalisation du cannabis au Canada. Genèse et enjeux de la réforme*, [Observatoire Français des Drogues et des Toxicomanies](#), France.
- [7] Cristea, D., & Fîrțală, V. (2023). *Black Sea security first. Opportunities and limits in the context of the Montreux Convention. Technium Social Sciences Journal*, 47(1), 279–285. <https://doi.org/10.47577/tssj.v47i1.9462>
- [8] Darie Cristea, Irina Zamfirache, Raisa-Gabriela Zamfirescu, *Drepturi vs. Securitate. Analiză atitudinală de tip cluster*, în *Revista de Științe Politice și Relații Internaționale*, vol. XVII, nr. 1/2020